

# **EXHIBIT C**

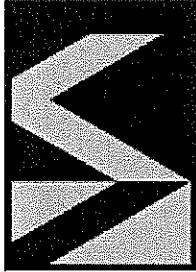
**From:** [Stephen Stern](#)  
**To:** [Gregory Jordan](#); [Tom Gagliardo](#)  
**Cc:** [Brian Tollefson](#); [Shannon Hayden](#); [Dan Binder](#)  
**Subject:** RE: Notice of Deposition of David Boshea  
**Date:** Wednesday, January 17, 2024 11:04:38 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Greg:

Please advise as to the test results/doctor's diagnosis, as you noted in your email. This could affect when/if Mr. Boshea is no longer contagious. Please let us know as soon as possible. In the meantime, please keep both proposed dates open.

Thank you,  
Stephen



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**From:** Gregory Jordan <[gjordan@jz-llc.com](mailto:gjordan@jz-llc.com)>  
**Sent:** Tuesday, January 16, 2024 1:24 PM  
**To:** Stephen Stern <[Stern@kaganstern.com](mailto:Stern@kaganstern.com)>; Tom Gagliardo <[tgagliardo@gelawyer.com](mailto:tgagliardo@gelawyer.com)>  
**Cc:** Brian Tollefson <[brian@tollefsonip.com](mailto:brian@tollefsonip.com)>; Shannon Hayden <[hayden@kaganstern.com](mailto:hayden@kaganstern.com)>; Dan Binder <[dbinder@gelawyer.com](mailto:dbinder@gelawyer.com)>  
**Subject:** Notice of Deposition of David Boshea

David, Tom, and I are available next Tuesday and Friday. Let me know if either date works for you.

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**From:** Stephen Stern <[Stern@kaganstern.com](mailto:Stern@kaganstern.com)>  
**Sent:** Monday, January 15, 2024 10:56 PM  
**To:** Gregory Jordan <[gjordan@jz-llc.com](mailto:gjordan@jz-llc.com)>; Tom Gagliardo <[tgagliardo@gelawyer.com](mailto:tgagliardo@gelawyer.com)>  
**Cc:** Brian Tollefson <[brian@tollefsonip.com](mailto:brian@tollefsonip.com)>; Shannon Hayden <[hayden@kaganstern.com](mailto:hayden@kaganstern.com)>; Dan Binder <[dbinder@gelawyer.com](mailto:dbinder@gelawyer.com)>  
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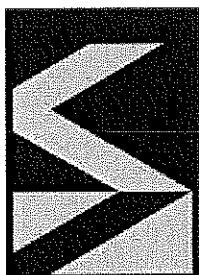
Greg:

I am sorry to hear that Mr. Boshea is sick. I wish I had learned that earlier in the day before I arrived in Chicago.

As you know, our team has wanted to conduct Mr. Boshea's deposition in person since we first started discussing depositions in 2021. We intend to take his deposition in person. Please send alternative dates as soon as possible so we can reschedule his deposition next week or the week after.

I assume by your silence you are maintaining your position on the work product doctrine. If not, please supplement your document production and produce those documents right away.

Stephen



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**From:** Gregory Jordan <[gjordan@jz-llc.com](mailto:gjordan@jz-llc.com)>  
**Sent:** Monday, January 15, 2024 12:45 PM  
**To:** Stephen Stern <[Stern@kaganstern.com](mailto:Stern@kaganstern.com)>; Tom Gagliardo <[tgagliardo@gelawyer.com](mailto:tgagliardo@gelawyer.com)>  
**Cc:** Brian Tollefson <[brian@tollefsonip.com](mailto:brian@tollefsonip.com)>; Shannon Hayden <[hayden@kaganstern.com](mailto:hayden@kaganstern.com)>; Dan Binder <[dbinder@gelawyer.com](mailto:dbinder@gelawyer.com)>  
**Subject:** Notice of Deposition of David Boshea

Stephen,

David called me this morning and advised me that he has symptoms of pneumonia and possibly Covid. Since the parties have gone around on the health issue previously, I advised David to get a diagnosis from his doctor that I will share with you so long as we agree to maintain health privacy.

David told me that he is willing to appear on Wednesday via Teams or Zoom, but he believes he is contagious and could not appear in person.

I will keep you posted.

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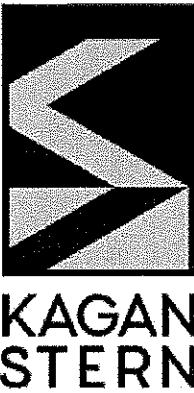
**From:** Stephen Stern <[Stern@kaganstern.com](mailto:Stern@kaganstern.com)>  
**Sent:** Monday, January 15, 2024 12:41 PM  
**To:** Tom Gagliardo <[tgagliardo@gelawyer.com](mailto:tgagliardo@gelawyer.com)>  
**Cc:** Brian Tollefson <[brian@tollefsonip.com](mailto:brian@tollefsonip.com)>; Shannon Hayden <[hayden@kaganstern.com](mailto:hayden@kaganstern.com)>; Gregory Jordan <[gjordan@jz-llc.com](mailto:gjordan@jz-llc.com)>; Dan Binder <[dbinder@gelawyer.com](mailto:dbinder@gelawyer.com)>  
**Subject:** RE: Notice of Deposition of David Boshea

Tom:

I am going to be setting up Teams for Shannon to be “at” the deposition. If you would like to participate via Teams, you are welcome to do so. If you prefer to use some other medium, that is your choice.

Stephen

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**From:** Tom Gagliardo <[tgagliardo@gelawyer.com](mailto:tgagliardo@gelawyer.com)>  
**Sent:** Friday, January 12, 2024 6:31 PM  
**To:** Stephen Stern <[Stern@kaganstern.com](mailto:Stern@kaganstern.com)>  
**Cc:** Brian Tollefson <[brian@tollefsonip.com](mailto:brian@tollefsonip.com)>; Shannon Hayden <[hayden@kaganstern.com](mailto:hayden@kaganstern.com)>; Gregory Jordan <[gjordan@jz-llc.com](mailto:gjordan@jz-llc.com)>; Dan Binder <[dbinder@gelawyer.com](mailto:dbinder@gelawyer.com)>  
**Subject:** RE: Notice of Deposition of David Boshea

Stephen

Because I am assisting Greg in trial prep, my attendance at Mr. Boshea's deposition is more than fulfilling my role as local counsel. I am hard pressed to understand your willingness to incur the expense of traveling to Chicago but are unwilling to take the deposition by remote means or to pay \$125 for a remote connection so I can participate.

We will set up a remote link ourselves, and any cost will be added to Plaintiff's bill of costs at the conclusion of litigation.

TG

**Thomas J. Gagliardo, Esq.**  
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**From:** Stephen Stern <[Stern@kaganstern.com](mailto:Stern@kaganstern.com)>

**Sent:** Thursday, January 11, 2024 5:06 PM

**To:** Gregory Jordan <[gjordan@jz-llc.com](mailto:gjordan@jz-llc.com)>; Shannon Hayden <[hayden@kaganstern.com](mailto:hayden@kaganstern.com)>; Tom Gagliardo <[tgagliardo@gelawyer.com](mailto:tgagliardo@gelawyer.com)>

**Cc:** Brian Tollefson <[brian@tollefsonip.com](mailto:brian@tollefsonip.com)>

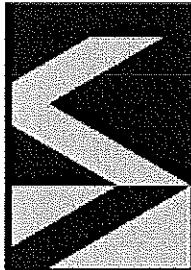
**Subject:** RE: Notice of Deposition of David Boshea

Tom does not need to participate. Under the Local Rules, Tom is only required to be present at hearings. Even if he had to be present at depositions, which he does not, it appears that you are applying that selectively, as Tom did not participate in the depositions of Dan White, Michael White, or John Adams.

It is our right to take the deposition in person and we plan to do that. We do not need to pay for David's lawyers to participate remotely when we will be there in person and when you will be there in person. If Tom wants to participate remotely, that is a choice you/he is making and you can incur the cost of that choice.

And I want to make sure I am understanding your position correctly – you are asserting that communications with a third party (that being Daniel White or Michael White) are work product? Are you contending that Dan/Mike are now representing David Boshea? Please confirm.

Stephen



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**From:** Gregory Jordan <[gjordan@jz-llc.com](mailto:gjordan@jz-llc.com)>

**Sent:** Thursday, January 11, 2024 4:30 PM

**To:** Stephen Stern <[Stern@kaganstern.com](mailto:Stern@kaganstern.com)>; Shannon Hayden <[hayden@kaganstern.com](mailto:hayden@kaganstern.com)>; Thomas J. Gagliardo <[tgagliardo@gelawyer.com](mailto:tgagliardo@gelawyer.com)>

**Cc:** Brian Tollefson <[brian@tollefsonip.com](mailto:brian@tollefsonip.com)>

**Subject:** Notice of Deposition of David Boshea

David will not cover the cost. We are fine with conducting the entire deposition remotely, but Compass decided to conduct the deposition in person. The rules require that Tom participate.

Since Compass wishes to proceed in person, Compass will need to accommodate Tom.

As far as Compass' request for my communications, those documents are work product and we will not be making any further production.

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**From:** Stephen Stern <[Stern@kaganstern.com](mailto:Stern@kaganstern.com)>  
**Sent:** Thursday, January 11, 2024 3:25 PM  
**To:** Gregory Jordan <[gjordan@jz-llc.com](mailto:gjordan@jz-llc.com)>; Shannon Hayden <[hayden@kaganstern.com](mailto:hayden@kaganstern.com)>; Thomas J. Gagliardo <[tgagliardo@gelawyer.com](mailto:tgagliardo@gelawyer.com)>  
**Cc:** Brian Tollefson <[brian@tollefsonip.com](mailto:brian@tollefsonip.com)>  
**Subject:** RE: Notice of Deposition of David Boshea

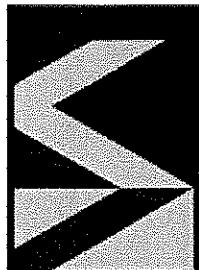
Greg:

I just learned that the cost of remote participation (by video) is \$125 per participant. Please confirm that you or Tom will be covering the cost of Tom's participation by video.

Also, I still have not received any acknowledgment or confirmation about your supplemental production of documents. Please advise.

Stephen

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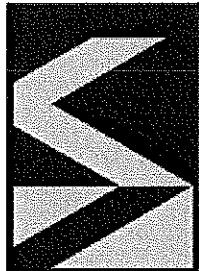
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**From:** Stephen Stern  
**Sent:** Wednesday, January 10, 2024 9:20 PM  
**To:** Gregory Jordan <[gjordan@jz-llc.com](mailto:gjordan@jz-llc.com)>; Shannon Hayden <[hayden@kaganstern.com](mailto:hayden@kaganstern.com)>; Thomas J. Gagliardo <[tgagliardo@gelawyer.com](mailto:tgagliardo@gelawyer.com)>  
**Cc:** Brian Tollefson <[brian@tollefsonip.com](mailto:brian@tollefsonip.com)>  
**Subject:** RE: Notice of Deposition of David Boshea

We have made arrangements with the court reporting service for Tom to be able to attend by video.

In the meantime, we still have not received any supplemental production of documents regarding further communications between you and Dan/Mike or David and Dan/Mike. Please supplement the document production by Friday so we have adequate time to review and evaluate the supplemental production.

Stephen



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**From:** Gregory Jordan <[gjordan@jz-llc.com](mailto:gjordan@jz-llc.com)>  
**Sent:** Wednesday, January 10, 2024 9:44 AM  
**To:** Shannon Hayden <[hayden@kaganstern.com](mailto:hayden@kaganstern.com)>; Thomas J. Gagliardo <[tgagliardo@gelawyer.com](mailto:tgagliardo@gelawyer.com)>  
**Cc:** Stephen Stern <[Stern@kaganstern.com](mailto:Stern@kaganstern.com)>; Brian Tollefson <[brian@tollefsonip.com](mailto:brian@tollefsonip.com)>  
**Subject:** Notice of Deposition of David Boshea

Please confirm that Tom Gagliardo will be able to participate by Zoom or Teams.

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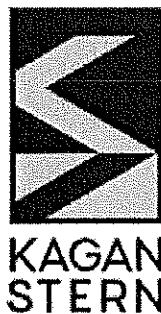
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**From:** Shannon Hayden <[hayden@kaganstern.com](mailto:hayden@kaganstern.com)>  
**Sent:** Tuesday, January 9, 2024 4:46 PM  
**To:** Gregory Jordan <[gjordan@jz-llc.com](mailto:gjordan@jz-llc.com)>; Thomas J. Gagliardo <[tgagliardo@gelawyer.com](mailto:tgagliardo@gelawyer.com)>  
**Cc:** Stephen Stern <[Stern@kaganstern.com](mailto:Stern@kaganstern.com)>; Brian Tollefson <[brian@tollefsonip.com](mailto:brian@tollefsonip.com)>  
**Subject:** Notice of Deposition of David Boshea

Greg:

Attached is the notice of deposition for David Boshea.

Thank you.



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